

North Carolina.
Cherokee County.

Superior Court.

In Re Last Will and
Testament of
R. W. Collett
Deceased,

Commission

To Honorable L. D. Padgett, Jr., Notary Public, Walter-
boro, South Carolina:

It appearing to the Court, that the last will and
testament of R. W. Collett, deceased, has been made
without the State of North Carolina, and that
the subscribing witnesses thereto, to-wit: Miss Irene
E. Godwin and Miss Minnie O' Bryan and James
B. Murphy, are residents of the State of South Car-
olina, the said Miss Godwin and Miss O' Bryan
being residents of Walterboro, South Carolina, and
said James B. Murphy being a resident of Colum-
bia, South Carolina, and it further appearing
to the Court that said last will and testament
seeks to dispose of certain real estate within the
County of Cherokee, State of North Carolina, and
the application having been made for the exam-
ination of said witnesses - pursuant to Section
4148 of the consolidated Statutes of North Caro-
lina, therefore

You are hereby commissioned, authorized and
directed to take the examination of such
witnesses as may be produced touching the
execution of said Last Will and Testament
of said R. W. Collett, deceased, and upon com-
pletion of said examination you are hereby
directed to return this commission, with your
proceedings thereunder, to the undersigned
Court.

Given under my hand and official
seal at office in Murphy, North Carolina,

this March 17th, 1927.

J. C. Hyatt, Clerk
Cherokee County (North Carolina)
Superior Court,

(Official Seal).

North Carolina.
Cherokee County.

In the Superior Court.

In Re: Last Will and
Testament of R. W. Collett
deceased. } Return of Commissioner:

Pursuant to the annexed commission, L. D. Padgett, Jr.,
Notary Public and Commissioner, under the authority thereof,
on the 22nd day of March 1927, at 11.00 o'clock A.
M. in the office of L. D. Padgett, Jr. proceeded to take
the examination of Irene E. Godwin as to the last
will and testament of R. W. Collett, deceased, said
last will and testament being in my possession
and exhibited by me to said witnesses during
the course of said examination, Irene E. Godwin
being first duly sworn, deposes and says:
My name is Irene E. Godwin.

I reside at Walterboro, S. C.

The paper handed me by the Commissioner purports
to be the Will of R. W. Collett.

It is headed "Lombaker Plantation, White Hall, S. C."
and is witnessed by myself, James B. Murphy and Minnie
O' Bryan, and bears date of January 27th, 1927.

I am a subscribing witness to the said paper
writing shown me, purporting purporting to be the
last will and testament of R. W. Collett, deceased,
and said R. W. Collett, in the presence of this depo-
nent, subscribed his name at the end of said
paper, writing now shown as aforesaid.

Said R. W. Collett, the testator aforesaid, did,

at the time of subscribing his name as aforesaid, declare the said paper writing so subscribed by him and exhibited to his last will and testament and as an attesting witness thereto, and at the request and in the presence of the said testator, and in the presence of the other witnesses to said will. And deponent further saith that at the said time when the said testator subscribed his name to the said last will as aforesaid, and at the time of deponent's subscribing his name as attesting witness thereto, as aforesaid, the said testator, R.W. Collett, was of sound mind, and memory of full age, to execute a will, and was not under any restraint, to the knowledge, information or belief of this deponent. Further deponent saith not.

Urene E. Godwin.

Deponent.

The foregoing was read over to said Urene E. Godwin by me, and was sworn to and subscribed before me at the time and place mentioned above.

(N.P. Seal)

J. F. Padgett, Jr.
Notary Public - Commissioner.

Sheet #2.

Re: Last Will and Testament
R.W. Collett, deceased.

Said witness Minnie O'Bryan being first duly sworn deposes and says:

My name is Minnie O'Bryan. I reside at Walterboro, S.C.

The paper writing handed me by the commissioner purports to be the last will and Testament of R.W. Collett, now deceased.

It is headed "Bombakee Plantation, White Hall, S.C." and is witnessed by myself, James S. Murphy and Urene E. Godwin and bears date of January 27th, 1927.

I am one of the subscribing witnesses to said paper writing shown me, purporting to be the last will and testament of R.W. Collett, and said R.W. Collett, in the presence of this deponent, subscribed his name at the end of said paper writing now shown as aforesaid now shown as aforesaid.

Said testator, R.W. Collett, did, at the time of subscribing his name as aforesaid, declare the said paper writing so subscribed by him and exhibited, to be his last will and testament, and this deponent did thereupon subscribe his name at the end of said will as an attesting witness thereto, and at the request and in the presence of said testator, and in the presence of the other witnesses to said will. Deponent further saith that at the said time when the said testator subscribed his name to the said last will as aforesaid and at the time of deponent's subscribing his name as attesting witness thereto, said testator R.W. Collett, was of sound mind and memory, of full age, to execute a will, and was not under any restraint, to the knowledge, information or belief of this deponent. And further deponent saith not.

Minnie O'Bryan, Deponent.

The foregoing statements were read over by me to said Minnie O'Bryan and was sworn to and subscribed before me at the time and place mentioned above.

(N.P. Seal)

J. F. Padgett, Jr. Commissioner
Notary Public.

To the Clerk of Cherokee Superior Court, Murphy, N.C.
I, J. F. Padgett, Jr., N.P. & Commissioner, and Notary Public, do certify that each of said witnesses was duly sworn by me, prior to the taking of his testimony and statements were read over by me to each of said witnesses respectively, and subscribed by them respectively, in my presence. I further certify that I am not of counsel to any person claiming and said will, but am acting solely for the

court, and have no interest directly or indirectly in the disposition of the properties of said R. W. Collett, deceased. I do further certify that I am not related to any person or persons claiming under said will, nor am I attorney or agent for any such.

I return herewith, by registered mail, said will, commission and my proceedings.

(N.P. Seal) J. H. Lee, Commissioner and Notary Public.

North Carolina,
Catawba County, In the Superior Court.

In Re: Last Will and Testament of R. W. Collett, deceased. } Return of Commissioner.

Pursuant to the annexed commission J. H. Lee, Notary and Commissioner, under the authority thereof, on the 21st day of March 1927, at 11 o'clock, a.m., in the office of J. H. Lee, proceeded to take the examination of James B. Murphy as to the execution of the last will and testament of R. W. Collett, deceased; said last will and testament being in my possession and exhibited by me to said witnesses during the course of said examination, James B. Murphy, being first duly sworn, deposed and says: My name is James B. Murphy. I reside at Columbia, S. C.

The paper handed me by the Commissioner purports to be the Will of R. W. Collett. It is headed "Catawba Plantation, White Hall, S. C." and is witnessed by myself, Irene Goodwin and Minnie O'Bryan, and bears date of January 27th, 1927.

I am a subscribing witness to the said paper writing shown me, purporting to be the last

Will and Testament of R. W. Collett, deceased, and the said R. W. Collett, in the presence of this deponent, subscribed his name at the end of said paper writing now shown as aforesaid.

Said R. W. Collett the testator aforesaid, did, at the time of subscribing his name as aforesaid, declare the said paper writing so subscribed by him and exhibited to be his last will and testament, and this deponent did thereupon subscribe his name at the end of said will as an attesting witness thereto, and at the request and in the presence of the said testator, and in the presence of the other witnesses to said will. And deponent further saith that at the said time when the said testator subscribed his name to the said last will as aforesaid, at the time of deponent's subscribing his name as attesting witness thereto as aforesaid, the said testator, R. W. Collett, was of sound mind and memory, of full age, to execute a will, and was not under any restraint to the knowledge, information or belief of this deponent.

Further deponent saith not.

James B. Murphy
Deponent.

The foregoing was read over to said James B. Murphy by me, and was sworn to and subscribed before me at the time and place mentioned above.

(N.P. Seal) J. H. Lee,
Notary Public - Commissioner.

Sheet #2.

In Re Last Will and Testament
of R.W. Collett, deceased.
Examination of Hon. James B. Murphy,
subscribing witness.

To the Clerk of Cherokee Superior Court Murphy, N. Car.
I, J. H. Lee, Commissioner and Notary Public, do
certify that said James B. Murphy was duly sworn
by me, prior to the taking of his testimony,
and same was read over to him by me, and sub-
scribed to by said James B. Murphy in my presence,
I further certify that I am not of counsel to
any person or persons claiming by, through
or under said will, but consulting solely for
the Court and have no interest directly or
indirectly in the disposition of the properties
of said R.W. Collett, deceased. I do further certify
that I am not related to any person or persons
claiming under said will, nor am an attorney,
or agent in any such.

I return herewith, by registered mail, the
aforesaid will, commission and my proceedings
in this matter.

(N. P. Seal)

J. H. Lee Commissioner
and Notary Public.

North Carolina
Cherokee County

In the Superior Court

In Re Last Will and Testament
of R.W. Collett, Deceased

Order for Probate

It appearing to the Court that the last will
and testament of R.W. Collett, deceased, was
made without the State of North Carolina, and
that the three subscribing witnesses thereto

resided in the State of South Carolina, and it
further appearing to the Court that said will, seeks
to dispose of real estate in Cherokee County, N. C.,
and that the Executrix designated in said will
applied to this Court for the probate of said will,
and the examination of the witnesses thereto, in
accordance with the Statutes in such cases made
and provided, and it appearing that this Court
appointed J. H. Lee, a Notary Public in Columbia,
S. C., to examine for this Court James B. Murphy of said
city, touching the execution of said will, he, the
said James B. Murphy appearing on said will as one of
the subscribing witnesses thereto; and it appearing
that this Court appointed J. P. Adgett, Jr., a Notary
Public of Walterboro, S. C., to take the examination
of Gene E. Godwin, and Minnie O'Byrne, subscribing
witnesses to said will, touching the execution
of the same; and the commission of said
Notaries Publics, along with their proceedings
under same having been duly returned to this
Court with said will, and it appearing to the
Court from the oath and examination of said
subscribing witnesses, and other evidence, that
said will was duly executed by said R. W.
Collett, deceased, and it further appearing to said
Court that said R. W. Collett, deceased, was, at the time
of making said will, of sound mind and memory, of
full age to execute a will, and under no restraint
to the knowledge of said witnesses, or to their information
or belief, and all matters and things in connec-
tion with the due execution of said will
having been made to appear to the satisfaction
of this Court, therefore

It is considered, adjudged and decreed that
said proof is sufficient and according to law,
and that said paper writing is and contains
the last Will and Testament of R.W. Collett, deceased.
And on motion it is ordered that said will

Sheet #2.

In Re Last Will and Testament
of R.W. Collett, deceased.
Examination of Hon. James B. Murphy,
subscribing witness.

To the Clerk of Cherokee Superior Court Murphy, N. Car.
I, J. H. Lee, Commissioner and Notary Public, do
certify that said James B. Murphy was duly sworn
by me, prior to the taking of his testimony,
and same was read over to him by me, and sub-
scribed to by said James B. Murphy in my presence,
I further certify that I am not of counsel to
any person or persons claiming by, through
or under said will, but consulting solely for
the Court and have no interest directly or
indirectly in the disposition of the properties
of said R.W. Collett, deceased. I do further certify
that I am not related to any person or persons
claiming under said will, nor am an attorney,
or agent in any such.

I return herewith, by registered mail, the
aforesaid will, commission and my proceedings
in this matter.

(N. P. Seal)

J. H. Lee Commissioner
and Notary Public.

North Carolina
Cherokee County

In the Superior Court

In Re Last Will and Testament
of R.W. Collett, Deceased

Order for Probate

It appearing to the Court that the last will
and testament of R.W. Collett, deceased, was
made without the State of North Carolina, and
that the three subscribing witnesses thereto

resided in the State of South Carolina, and it
further appearing to the Court that said will, seeks
to dispose of real estate in Cherokee County, N. C.,
and that the Executrix designated in said will
applied to this Court for the probate of said will,
and the examination of the witnesses thereto, in
accordance with the Statutes in such cases made
and provided, and it appearing that this Court
appointed J. H. Lee, a Notary Public in Columbia,
S. C., to examine for this Court James B. Murphy of said
city, touching the execution of said will, he, the
said James B. Murphy appearing on said will as one of
the subscribing witnesses thereto; and it appearing
that this Court appointed J. P. Adgett, Jr., a Notary
Public of Walterboro, S. C., to take the examination
of Gene E. Godwin, and Minnie O'Byrne, subscribing
witnesses to said will, touching the execution
of the same; and the commission of said
Notaries Publics, along with their proceedings
under same having been duly returned to this
Court with said will, and it appearing to the
Court from the oath and examination of said
subscribing witnesses, and other evidence, that
said will was duly executed by said R. W.
Collett, deceased, and it further appearing to said
Court that said R. W. Collett, deceased, was, at the time
of making said will, of sound mind and memory, of
full age to execute a will, and under no restraint
to the knowledge of said witnesses, or to their information
or belief, and all matters and things in connec-
tion with the due execution of said will
having been made to appear to the satisfaction
of this Court, therefore

It is considered, adjudged and decreed that
said proof is sufficient and according to law,
and that said paper writing is and contains
the last Will and Testament of R.W. Collett, deceased.
And on motion it is ordered that said will

be admitted to probate and recorded in Book of Wills of Cherokee County, along with the commission to said notary public and their returns thereunder in connection with the examination of said witnesses; and as such be filed as provided by law in the office of the Clerk of said Superior Court.

It is further considered, adjudged, decreed and ordered that Billie Collett, executrix named in said will, be and she is hereby allowed to qualify as executrix as provided by law and by virtue of the authority contained in said will, and enter upon the discharge of the duties imposed by said trust.

This March 24th, 1927.

P. C. Hyatt. Clerk
Cherokee Superior Court.

Cambakee Plantation White Hall, S. C.

State of South Carolina,
County of Colleton.

I, R. W. Collett, of the State of South Carolina, Colleton County, Cambakee Plantation, do hereby make, publish and declare this to be as and for my Last Will and Testament, hereby revoking and making null and void, any and all wills or codicils heretofore made by me at any time.

Item 1.

I direct my Executrix, hereinafter named, to first pay all of my just debts out of the proceeds arising from my personal estate.

Item 2.

All of my personal property which I now own or may in any manner hereafter acquire, and not hereinafter specifically devised,

I give devise and bequeath to my beloved wife Billie Collett, absolutely and without any trusts or limitations whatsoever.

Item 3.

I, give devise and bequeath my motor boat the "Miss Bombaker" to Edgar S. Jacobs, absolutely.

Item 4.

The two acres of land, more or less, located in Andrews N. C. and the lot of land located in Swannan N. C., I give, devise and bequeath to my beloved wife Billie Collett, in fee simple and forever with the right to sell, hold or dispose of same, as she may, at any time, desire.

Item 5.

The land consisting of about fifty four acres, which I formerly purchased from J. W. Walker, of Andrews, N. C., I direct that the same be sold, by the said J. W. Walker and the time of such sale be left absolutely to his discretion, and the proceeds arising from said sale, be invested by the said J. W. Walker, and the profits or emoluments arising from such investment, be given to my beloved wife Billie Collett and my brother, E. H. Collett, share and share alike, until the death of either and upon the death of either of them, the balance of the principal and such interest as may then due, be given to the survivor, absolutely and forever.

Item 6.

The tract of land, together with improvements thereon, consisting of two hundred acres, more or less, and designated as the "Home Tract", and in which I have a one-half interest, I give, devise and bequeath to my beloved wife Billie Collett for and during the term of her natural life; to receive the rents, profits, and emoluments arising from same to be used as she may desire. At the death of my wife I direct that the same then shall go to my brother E. H. Collett, and should my brother pre-decease my

R. W. Collett
Page 1.

wife, I then direct that after her death that said interest hereinabove enumerated, go to my nearest relatives as are designated by the statute of distribution in and for the State of North Carolina.

I hereby nominate, constitute and appoint my beloved wife, Billie Collett, Executrix of this my last Will and Testament and I direct that she be allowed to qualify without bond.

I hereby request, but the same shall in no manner conflict with any of the foregoing provisions of my Will, that my wife Billie Collett make no loans, investments, or otherwise expend any of the proceeds which she shall receive from my estate, without first consulting and advising with my friend J. W. Walker, of Andrews, N. C., and that she follow his advice in all matters pertaining to business and that

(Will of R. W. Collett, Page Two)

Such advice as he may give her be absolutely taken and followed.

In Witness Whereof, I, R. W. Collett, have hereunto set my hand and affixed my seal this the 27th day of January, A. D. 1927.

R. W. Collett (Seal)

Signed, sealed, published and declared by the Testator, R. W. Collett, to be as and for his last Will and Testament, who, at his request and in his presence, and in the presence of each other, have hereunto subscribed our hands and seals as witnesses hereunto this the 27th day of January, A. D. 1927, at Walterboro, Colleton County, State of South Carolina.

Irene E. Godwin (Seal)
Minnie O' Bryan (Seal)
James R. Murphy (Seal)

Notice

I hereby will and bequeath all my property, both real and personal, together with my Prudential Insurance Co. policy No. 1627807, to my wife, Fannie Lovingood Wells and hereby make her my administratrix.

This Nov. 28, 1920

R. B. Wells

L. E. Steadman
Annie Abernathy.

North Carolina,
Cherokee County.

In the Superior Court.

In Re Last Will and Testament
R. B. Wells, Deceased.

Mrs. Fannie L. Wells being duly sworn says that the ^{attached} last Will and Testament of R. B. Wells, deceased, which is exhibited for probate was found by affiant among the valuable papers and effects of the said R. B. Wells, deceased, and that same was found as aforesaid, after the death of said R. B. Wells. Further affiant says not.

Mrs. Fannie L. Wells Affiant
Subscribed and sworn to before me
this May 31st 1927

P. L. Hyatt Clerk of
Superior Court - Cherokee County.

North Carolina,
Cherokee County.

Superior Court.

In Re Last Will and Testament
of R. B. Wells, Deceased. Affidavit.

Mrs. L. E. Stead and L. E. Steadman and Miss Florence Lovingood each being duly sworn says: that he or she is acquainted with the handwriting of R. B. Wells, deceased, having often seen him